purposes. The effects of sarafloxacin on the reproductive function of treated fowl have not been determined. Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Dated: November 13, 1995.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. 95–28544 Filed 11–21–95; 8:45 am]

BILLING CODE 4160–01–F

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[IL135–1–7205(a); FRL–5332–7]

Approval of Section 112(l) Program of Delegation; Illinois

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is approving, through ''direct final'' procedure, a request for delegation of the Federal air toxic program pursuant to section 112(l) of the Clean Air Act of 1990. The State's mechanism of delegation involves the straight delegation of all existing and future section 112 standards unchanged from the Federal standards. The actual delegation of authority will occur automatically upon EPA's promulgation of the standards. This request for approval of a mechanism of delegation encompasses all sources not covered by the part 70 program.

DATES: This action is effective January 22, 1996, unless adverse or critical comments not previously addressed by the State or EPA are received by December 22, 1995, in which case this rulemaking action will be taken as the proposed rule published in the proposed rules section of this Federal Register. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Copies of the State's submittal and other supporting information used in developing the approval are available for inspection during normal business hours at the following location: EPA Region 5, 77 West Jackson Boulevard, AR–18J, Chicago, Illinois 60604. Please contact Jennifer Buzecky at (312) 886–3194 to arrange a time if inspection of the submittal is desired.

FOR FURTHER INFORMATION CONTACT: Jennifer Buzecky, AR–18J, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886–3194.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

Section 112(l) of the CAA enables the EPA to approve state air toxic programs or rules to operate in place of the Federal air toxic program. The Federal air toxic program implements the requirements found in section 112 of the CAA pertaining to the regulation of hazardous air pollutants. Approval of an air toxic program is granted by the EPA if the Agency finds that the State program: (1) Is ''no less stringent'' than the corresponding Federal program or rule, (2) the State has adequate authority and resources to implement the program, (3) the schedule for implementation and compliance is sufficiently expeditious, and (4) the program is otherwise in compliance with Federal guidance. Once approval is granted, the air toxic program can be implemented and enforced by State or local agencies, as well as EPA. Implementation by local agencies is dependent upon appropriate subdelegation.

On August 17, 1995, Illinois submitted to EPA a request for delegation of authority to implement and enforce the air toxic program under section 112 of the CAA. On September 8, 1995, EPA found the State's submittal complete. In this document EPA is taking final action to approve the program of delegation for Illinois.

II. Review of State Submittal

A. Program Summary

Requirements for approval, specified in section 112(l)(5), require that a State's program contain adequate authorities, adequate resources for implementation, and an expeditious compliance schedule. These requirements are also requirements for an adequate operating permits program under part 70 (40 CFR 70.4). On March 7, 1995, EPA promulgated a final interim approval under part 70 of the State of Illinois' Operating Permit Program. 60 FR 12478. Included in that notice was the approval of a mechanism for delegation of all section 112 standards for sources subject to the part 70 program. Sources subject to the part 70 program are those sources that are operating pursuant to a part 70 permit issued by the State, local agency or EPA. Sources not subject to the part 70 program are those sources that are not required to obtain a part 70 permit from either the State, local agency or EPA. Because Illinois' August 17, 1995, request for delegation encompasses all existing and future standards as they apply to sources NOT subject to part 70, this action supplements the earlier part 70 rulemaking in that Illinois can now implement and enforce the section 112 air toxic program regardless of a source's part 70 applicability.

The Illinois program of delegation for sources not subject to part 70 will not include delegation of section 112(r) authority. The program will, however, include the delegation of the 40 CFR part 63 general provisions to the extent that they are not reserved to the EPA and are delegable to the State. Furthermore, Illinois' request for delegation includes the delegation of all existing National Emission Standards for Hazardous Air Pollutants (NESHAP) standards, 40 CFR part 61, with the exception of radionuclides.

An example of an existing NESHAP is the asbestos standard, 40 CFR part 61, subpart M. Implementation of this standard includes the primary responsibility for accepting asbestos notifications. Sources in Illinois subject to the asbestos standard should henceforth submit their notification forms to the Illinois Environmental Protection Agency (IEPA).

As stated above, this document constitutes EPA's approval of Illinois' program of straight delegation of all existing and future air toxic standards, except for section 112(r) standards as they pertain to non-part 70 sources. Straight delegation means that the State will not promulgate individual State rules for each section 112 standard promulgated by EPA, but will implement and enforce without changes the section 112 standards promulgated by EPA. The Illinois program of straight delegation will operate as follows: Upon promulgation of a section 112 standard, the State of Illinois automatically receives the authority and assumes responsibility for the timely implementation and enforcement required by the standard, as well as any further activities agreed to by IEPA and EPA. Some activities necessary for effective implementation of the standard include receipt of initial notifications, recordkeeping, reporting and generally assuring that sources subject to the standard are aware of its existence. When deemed appropriate, IEPA will utilize the resources of its Small Business Assistance Program to assist in general program implementation. The details of this delegation mechanism are set forth in a series of letters between EPA and IEPA, copies of which are located in the docket associated with this rulemaking.

B. Criteria for Approval

On November 26, 1993, EPA promulgated regulations to provide

guidance relating to the approval of State programs under Section 112(l) of the CAA. 40 FR 62262. That rulemaking outlined the requirements of approval with respect to various delegation options. The requirements for approval of a program to implement and enforce Federal section 112 rules as promulgated without changes are found at 40 CFR 63.91. The specific elements required for approval in § 63.91 were promulgated to address the procedures required for approval pursuant to section 112(l)(5) of the CAA. Any request for approval must meet all section 112(l) approval criteria, as well as all approval criteria of § 63.91. A more detailed analysis of the State's submittal pursuant to § 63.91 is contained in the Technical Support Document included in the docket of this rulemaking.

Under section 112(l) of the CAA, approval of a State program is granted by the EPA if the Agency finds that it: (1) Is ''no less stringent'' than the corresponding Federal program, (2) that the State has adequate authority and resources to implement the program, (3) the schedule for implementation and compliance is sufficiently expeditious, and (4) the program is otherwise in compliance with Federal guidance.

C. Analysis

EPA is approving Illinois' mechanism of delegation because the State's submittal meets all requirements necessary for approval under section 112(l). The first requirement is that the program be no less stringent than the Federal program. The Illinois program is no less stringent than the corresponding Federal program or rule because the State has requested straight delegation of all standards unchanged from the Federal standards.

Second, the State has shown that it has adequate authority and resources to implement the program. The Illinois Environmental Protection Act authorizes IEPA to issue operating permits to part 70 and non-part 70 sources of regulated pollutants. 415 ILCS 5/1 et seq. The authority to issue permits includes the authority to incorporate permit conditions that implement Federal section 112 standards. Furthermore, Illinois has the authority to implement and enforce each section 112 regulation, emission standard or requirement (regardless of part 70 applicability), perform inspections, request compliance information, incorporate requirements into permits and to bring civil and criminal enforcement actions to recover penalties and fines. Adequate resources will be obtained through section 105 grant monies awarded to States by EPA and through any monies from the State's Title V program that can be used to fund acceptable Title V activities with respect to these non-part 70 sources.

Third, upon promulgation of a standard, Illinois will immediately begin activities necessary for timely implementation of the standard. These activities will involve identifying sources subject to the applicable requirement and notifying these sources of the applicable requirement. Such schedule is sufficiently expeditious for approval.

Fourth, nothing in the Illinois program for straight delegation is contrary to Federal guidance.

D. Determinations

In approving this delegation, EPA expects that the State will obtain concurrence from EPA on any matter involving the interpretation of section 112 of the Clean Air Act or 40 CFR parts 61 and 63 to the extent that implementation, administration, or enforcement of these sections have not been covered by EPA determinations or guidance.

III. Final Action

The EPA is promulgating final approval of the August 17, 1995, request by the State of Illinois for straight delegation of section 112 standards unchanged from Federal standards because the request meets all requirements of 40 CFR 63.91 and section 112(l) of the CAA. Upon the effective date of this document, the following Federal standards are automatically delegated to the State of Illinois: (1) All existing NESHAPs, with the exception of radionuclides; (2) existing section 112 standards, excluding section 112(r), and (3) the part 63 general provisions to the extent that they are not reserved to the EPA and are delegable to the State. Future delegation of the section 112 standards to the State will occur automatically upon EPA's promulgation of the standard.

Effective immediately, all notifications, reports and other correspondence required under section 112 standards and existing NESHAPs should be sent to the State of Illinois rather than to the EPA, Region 5, in Chicago. Affected sources should send this information to: Illinois Environmental Protection Agency, Bureau of Air, Permit Section, 2200 Churchill Road, P.O. Box 19506, Springfield, Illinois 62794–9506.

EPA is publishing this action without prior proposal because EPA views this action as a noncontroversial revision and anticipates no adverse comments. However, the rulemaking will not be deemed final if timely unaddressed adverse or critical comments are filed. The ''direct final'' approval shall be effective on January 22, 1996, unless EPA receives such adverse or critical comments by December 22, 1995. EPA is now soliciting public comments on this action. Any parties interested in commenting on this action should do so at this time. In the proposed rules section of this Federal Register, EPA is publishing a separate document which constitutes a ''proposed approval'' of the requested delegation. If EPA receives timely comments adverse to or critical of the approval discussed above, which have not been addressed by the State or EPA, EPA will publish a Federal Register document which withdraws this final action. All public comments received will then be addressed in a subsequent rulemaking document based on the proposed approval. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

Copies of the State's submittal and other information relied upon for the final approval are contained in a docket maintained at the EPA Regional Office. The docket is an organized and complete file of all the information submitted to, or otherwise considered by, EPA in the development of this final approval. The docket is available for public inspection at the location listed under the **ADDRESSES** section of this document.

Nothing in this action should be construed as permitting, allowing or establishing a precedent for any future request for revision to the State's delegated air toxic program. EPA shall consider each request for revision to the State's delegated air toxic program in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214–2225), as revised by an October 4, 1993 memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation. The Office of Management and Budget exempted this regulatory action from Executive Order 12866 review.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. (5 U.S.C. 603

and 604.) Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and government entities with jurisdiction over populations of less than 50,000.

Straight delegation of the section 112 standards unchanged from the Federal standard does not create any new requirements, but simply allows the state to administer requirements that have been or will be separately promulgated. Therefore, because this delegation approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected.

Under sections 202, 203 and 205 of the Unfunded Mandates Reform Act of 1995 (''Unfunded Mandates Act''), signed into law on March 22, 1995, EPA must undertake various actions in association with proposed or final rules that include a Federal mandate that may result in estimated costs of $100 million or more to the private sector, or to State, local, or tribal governments in the aggregate.

EPA has determined that the approval action promulgated today does not constitute a Federal mandate that may result in estimated costs of $100 million or more to either State, local, or tribal governments in the aggregate, or to the private sector. The state voluntarily requested this delegation under section 112(l) for the purpose of implementing and enforcing the air toxics program with respect to sources not covered by part 70. The delegation imposes no new Federal requirements. Since the State was not required by law to seek delegation, this Federal action does not impose a mandate on the state.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 22, 1996. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 63

Environmental protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Intergovernmental relations.

Authority: 42 U.S.C. 7401, et seq.

Dated: November 2, 1995.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 95–28387 Filed 11–21–95; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Part 70

[GA–95–01; FRL–5333–7]

Clean Air Act Final Interim Approval of Operating Permits Program; Georgia

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final interim approval.

SUMMARY: The EPA is promulgating interim approval of the Operating Permits Program submitted by the Georgia Department of Natural Resources, Environmental Protection Division for the purpose of complying with Federal requirements for an approvable State program to issue operating permits to all major stationary sources, and to certain other sources.

EFFECTIVE DATE: December 22, 1995.

ADDRESSES: Copies of the State's submittal and other supporting information used in developing the final interim approval are available for inspection during normal business hours at the following location: U.S. Environmental Protection Agency, Region 4, 345 Courtland Street NE., Atlanta, Georgia 30365, on the 3rd floor of the Tower Building. Interested persons wanting to examine these documents, contained in EPA docket number GA–95–01, should make an appointment at least 24 hours before the visiting day.

FOR FURTHER INFORMATION CONTACT: Yolanda Adams, Title V Program Development Team, Air Programs Branch, Air, Pesticides & Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 345 Courtland Street, NE., Atlanta, Georgia 30365, (404) 347–3555, Ext. 4149.

SUPPLEMENTARY INFORMATION:

I. Background and Purpose

A. Introduction

Title V of the 1990 Clean Air Act Amendments (sections 501–507 of the Clean Air Act (''the Act'')), and implementing regulations at 40 Code of Federal Regulations (CFR) part 70 require that states develop and submit operating permits programs to EPA by November 15, 1993, and that EPA act to approve or disapprove each program within one year after receiving the submittal. EPA's program review occurs pursuant to section 502 of the Act and the part 70 regulations, which together outline criteria for approval or disapproval. Where a program substantially, but not fully, meets the requirements of part 70, EPA may grant the program interim approval for a period of up to 2 years. If EPA has not fully approved a program by November 15, 1995, or by the end of an interim program, it must establish and implement a Federal program.

On September 26, 1995, EPA proposed interim approval of the operating permits program for the State of Georgia. *See* 60 FR 49533. The September 26, 1995 notice also proposed approval of Georgia's interim mechanism for implementing section 112(g) and for delegation of section 112 standards as promulgated. EPA did not receive any comments on the proposal. In this action, EPA is promulgating interim approval of Georgia's operating permits program, and approving the section 112(g) and section 112(l) mechanisms noted above.

II. Final Action and Implications

A. Title V Operating Permits Program

The EPA is promulgating interim approval of the operating permits program submitted by the State of Georgia on November 12, 1993, and supplemented on June 24, 1994; November 14, 1994; and June 5, 1995. Georgia's program substantially, but not fully, meets the requirements of part 70 and meets the interim approval requirements under 40 CFR 70.4. The State must make the following changes to receive full approval: (1) Revise Rule 391–3–1(10)(d)1.(ii) to provide for the notification requirements and permit shield extension found in § 70.4(b)(12)(iii); and (2) correct all deficiencies in its insignificant activities regulation.

The scope of the State's part 70 program approved in this notice applies to all part 70 sources (as defined in the approved program) within the State of Georgia, except any sources of air pollution over which an Indian Tribe has jurisdiction. *See, e.g.*, 59 FR 55813, 55815–18 (Nov. 9, 1994). The term ''Indian Tribe'' is defined under the Act as ''any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village, which is Federally recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.'' *See* section 302(r) of the CAA; *see also* 59 FR 43956, 43962 (Aug. 25, 1994); 58 FR 54364 (Oct. 21, 1993).